

ADDRESS OF SENATOR STROM THURMOND (D-SC) ON SENATE FLOOR IN
OPPOSITION TO PROPOSED CONSTITUTIONAL AMENDMENT ON POLL TAX,
JANUARY , 1960.

I rise in opposition to the proposed constitutional amendment which would prohibit the imposition of a poll tax as a condition of suffrage by a State.

Let me say at the outset, that I find no particular virtue or advantage in a poll tax as a condition to voting. At the time I was elected Governor of South Carolina in 1946, the Constitution of South Carolina contained a provision which made the payment of a poll tax a prerequisite to voting eligibility. I felt then, and I feel now, that the poll tax was not a satisfactory source of revenue for the State, nor was it a suitable or workable prerequisite to exercise of the ballot. I, therefore, proposed to the Legislature that a constitutional amendment repealing this requirement be submitted to the people of the State. The Legislature concurred in my proposal, and submitted the constitutional amendment to the people, who voted favorably thereon. The payment of a poll tax is, therefore, no longer a condition of suffrage in South Carolina.

There have been numerous proposals for Congress to attempt to prohibit poll taxes by enactment of a statute. It is a credit to the Senate that the question we face now is not before us in the form of a proposed statute, for the Constitution gives the Federal Government no authority to act in this field. The very fact that we are now debating a proposed constitutional amendment dealing with this matter is a clear-cut recognition by the Senate

that Congress at present has no constitutional authority in the matter of voter qualifications or eligibility. This is, however, about the only encouraging feature of the proposal with which we are confronted.

Mr. President, in the days following the War for Independence with England, commonly referred to as the American Revolution, our forefathers inaugurated what historians call an "experiment in democracy." I believe that the historians' characterization is accurate, when properly defined.

Mr. Webster gives two definitions to the word "experiment". One definition defines an "experiment" as "a trial or special observation made to confirm or disprove something doubtful." It appears, Mr. President, that the proponents of the proposed constitutional amendments view the work of our founding fathers in light of this definition, and that they particularly dwell in their thoughts on the last word, "doubtful".

There is another definition given by Mr. Webster for the word "experiment", and it is in the sense of this definition that history will affirm that our constitutional federated republic was an "experiment in democracy." The definition which is correct for this use of "experiment" is "an act or operation undertaken to test, establish, or illustrate some suggested or known truth."

The difference in these definitions as applied in this instance is simple. The former indicates that our founding fathers were basically ignorant in the principles of government, embarking on an unlighted course without means of navigation, or in modern parlance, betting blindly on a long shot. Our 170 years of glorious

history and progress under the government planned by the God-inspired wisdom of the drafters of the Constitution dramatically demonstrates the inaccuracy of the phrase "experiment in democracy" if defined in such a sense.

Every facet of our daily lives bears unquestionable proof that those who conceived our governmental system were steeped in understanding of the lessons taught by the history of man's struggle to devise a government under which he could enjoy the opportunity to achieve his destiny, and that their thinking was balanced by practical experience of the inequities and abuses that inevitably flow from ineptly designed or selfishly administered government. With what could have been no less than Devinely-inspired wisdom, their "experiment in democracy" was "an operation to illustrate a known truth."

Mr. President, let us examine some of the practical problems and basic concepts which were foremost in the thinking of those who conceived of our constitutional federated republican form of government.

There were in America 13 newly independent States, isolated geographically from the rest of the civilized world, and from a contemporary standpoint, weak militarily, individually and even collectively. Far from being a homogeneous society, they were bound together by no legal bonds--their working relationship having sprung primarily from a common cause against a common enemy. Even the fervor for the common cause varied substantially in degree from one State to another.

The efforts for union of these States was born, not from any

feelings of self-identification by the peoples of one State with those of another, but from a necessity for survival. There was no desire for equality or similarity of treatment with the peoples of another State, for all of those hearty souls were too fresh in the memory of the suffering which stemmed from an "equality of treatment" given by England to the several colonies. The experience acquired as colonists inspired an intense desire for self-determination, as well as a well-founded mistrust of any governmental unit which could not be observed and controlled close-at-hand.

It was undoubtedly this very heterogeneity among the several independent States that emphasized in the minds of the founding fathers the historically proven truth that any government worthy of existence, must preserve and protect the maximum degree of local self-government, with only the minimum degree of power absolutely essential to military survival and economic progress vested in a central government. This principle of government is a truth, as valid in every respect today as it was in the days following the Revolution, specifically proven once and for all by the constitutional drafters' "experiment in democracy."

Mr. President, the federated structure of our governmental system is the principal reason for its continued successful existence. It was not for the primary purpose of protecting basic rights of individuals that the United States Constitution was designed. The people of the various States were aware that they could well protect themselves from despotic action by a government within their own State. Each State government is completely capable of protecting individual rights of its citizens with safeguards against the loss of personal liberty and freedom. The

governments of the several States served their people well in this respect before the Union was formed, and have continued to do so within the framework of the Union. All of the States do not impose the same requirements on its citizens, nor do all the States provide either the same substantive rights nor the same procedural remedies for their citizens.

The lack of uniformity among the several States is not to be deplored, but rather acclaimed. Conformity is not natural to people of different regions, who enjoy different political, religious and social heritages, who live under different economic conditions or even who live in different climates. We should constantly keep in mind that conformity is not a goal of our democracy. It is a goal of absolute forms of government, such as communism; and absolute forms of government exist, in the final analysis, by force--not from the support of the people. The advantage we enjoy from democracy over dictatorial regimes stems solely from the individualism of democratic peoples.

Let us be candid. Conformity is despicable, a blight and leech on the progress of society, for it can be attained only at the level of the lowest common denominator.

The federated system of government is designed to thwart conformity. It is a system whereby the peoples of different mores can work together in harmony for their mutual advantage. The federated system, is, if you please, an agreement to disagree. Let us not endanger the structure itself by attempting to achieve a greater degree of conformity.

One of the great assets of our federation, Mr. President, is that no one need endure the laws of a particular State if they

be repugnant to him. The Constitution provides for a full and free commerce between States. If for instance, one objects to the poll tax as a condition of suffrage in the State of his residence, he is perfectly free to remove to one of the 45 States which impose no such qualification.

When the Union was formed, there was a total of 13 States. There were substantial differences in the economies of the various States, as there were in the areas of political, religious and social heritages. They were truly heterogeneous, as I have stated. But how much greater the heterogeneity of the various States today. There are now 50. They are spread from the semi-tropics of Florida to the arctics of Alaska, from the deserts of Arizona to the Pacific-washed isles of Hawaii. Where the 13 original States had differences in economy, we now have a dissimilarity which is far greater in degree. Where once a dozen religious beliefs held sway, thousands flourish. The common language which we share has facilitated understanding, but let us not deceive ourselves into believing that it has destroyed our differences. God willing, our individualism will survive forever.

There is no reason, therefore, to change the pattern of non-conformity which has proved successful. We have already endangered the system by our conformity efforts at the Federal level through an abusive expansion of powers of the central government. If, indeed, there should be any additional transfer of constitutional powers, it should be in the other direction.

Mr. President, a constitutional amendment is a serious matter and should not be proposed in the absence of compelling reasons. Partisan or political considerations should be put aside, and play

no part in this vital area.

How much urgency is there for such drastic action in the form of a constitutional amendment to eliminate the poll or capitation tax as a condition of suffrage? None. It is a matter of small import, blown all out of proportion by over-emphasis from politically-inspired propaganda.

In the days immediately following the Revolution, the former colonies, then States, performed a minimum, but adequate for the times, amount of service. The expenses of government were comparatively slight. The burdens of government fell less evenly on the population than is normal in a State today. It was the general feeling that those who bore the responsibilities of government should exercise the ballot. It is not surprising that the ownership of property and the payment of taxes were common and usual prerequisites to the right of suffrage.

In the early days of the Union, there were no direct taxes of any consequence on the populace for the support of the Federal Government. The costs were so slight that they could be and were borne almost entirely by tariffs.

As an expression of the belief that those who bore the responsibility of government should vote, all of the States imposed tax-payment or its equivalent, property ownership as a condition of eligibility for voting. These voter eligibility requirements were summarized by the United States Supreme Court in Minor v. Happerset (21 Wallace 162) as follows:

"Thus in New Hampshire, 'every male inhabitant of each town and parish with town privileges, and

places unincorporated in the State, of 21 years of age and upwards, excepting paupers and persons excused from paying taxes at their own request,' were its voters; in Massachusetts, 'every male inhabitant of 21 years of age and upward, having a freehold estate within the commonwealth of the annual income of 3 pounds, or any estate of the value of 60 pounds'; in Rhode Island, 'such as are admitted free of the company and society' of the Colony; in Connecticut such persons as had 'maturity in years, quiet and peaceable behavior, a civil conversation, and 40 shillings freehold or 40 pounds personal estate', if so certified by the selectmen; in New York, 'every male inhabitant of full age who shall have personally resided within one of the counties of the State for 6 months immediately preceding the day of election * * * if during the time aforesaid he shall have been a freeholder possessing a freehold of the value of 20 pounds within the county, or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to the State'; in New Jersey, 'all inhabitants * * * of full age who are worth 50 pounds; proclamation-money, clear estate in the same, and have resided in the county in which they claim a vote for 12 months immediately preceding the election'; in Pennsylvania, 'every freeman of the age of 21 years, having resided in the State for 2 years next before the election, and

within that time paid a State or county tax which shall have been assessed at least 6 months before the election'; in Delaware and Virginia, 'as exercised by law at present'; in Maryland, 'all freemen above 21 years of age having a freehold of 50 acres of land in the county in which they offer to vote and residing therein, and all freemen having property in the State above the value of 30 pounds current money, and having resided in the county in which they offer to vote 1 whole year next preceding the election'; in North Carolina, for Senators, 'all freemen of the age of 21 years who have been inhabitants of any one county within the State 12 months immediately preceding the day of election, and possessed of a freehold within the same county of 50 acres of land for 6 months next before and at the day of election,' and for members of the house of commons, 'all freemen of the age of 21 years who have been inhabitants in any one county within the State 12 months immediately preceding the day of any election, and shall have paid public taxes'; in South Carolina, 'every free white man of the age of 21 years, being a citizen of the State and having resided therein 2 years previous to the day of election and who hath a freehold of 50 acres of land, or a town lot of which he hath been legally seized and possessed for at least 6 months before such election, or (not having such freehold or town lot), hath been a resident within the election district in which he offers to give his vote 6 months before such election,

and hath paid a tax the preceding year of three shillings sterling toward the support of the government'; and in Georgia, 'such citizen and inhabitants of the State as shall have attained to the age of 21 years, and shall have paid tax for the year next preceding the election, and shall have resided 6 months within the county.'"

Clearly, Mr. President, conditioning suffrage on payment of taxes was the normal and usual practice in the early days of the Union.

As time has passed, the services and mis-services of government, both of which are extremely expensive--as is illustrated by the size of the national debt--have increased enormously. In an unsuccessful attempt to pay for these government functions, innumerable taxes at both the Federal and State levels have been levied. As a result, there is almost no one who does not share in the responsibility of government insofar as finances are concerned. With a few exceptions, the burden of taxes is so widespread that a tax-payment prerequisite to suffrage excludes practically no one. Most States have recognized this fact, and have repealed meaningless constitutional and statutory provisions imposing such eligibility requirements. At the present time, there remain only five States which still have such requirements on voting privileges.

As in the States which have abandoned such voting requirements as the poll or capitation tax-payment, the requirements in the remaining five are undoubtedly meaningless from a practical standpoint. Such a tax is rarely as high as five dollars per year, and in this inflationary economy, the number of people who cannot pay

this low amount is small indeed.

Mr. President, I do not mean to imply that there are not substantial numbers of people in the five States which require payment of poll or capitation tax as a condition to voting who do not pay the poll or capitation tax. Although I have no statistics on this matter, I would assume that there are large numbers who are delinquent. It is a known fact that large numbers of the American people are complacent about exercising their ballot. This is amply illustrated by the fact that a substantial percentage of those who register to vote do not participate in the election itself. It is only logical to assume that a major portion of those who do not pay their poll or capitation tax, have the financial ability, but do not have sufficient interest in voting to pay the tax. This is borne out in States which had, but recently repealed poll tax requirements. There has been no substantial increase in the registration or voting in South Carolina since the repeal of the constitutional provision which made payment of a poll tax a condition of eligibility to vote.

The only logical conclusion to be drawn from an objective analysis of the situation is that we are conducting an exercise in self and public deceit. There is no real consequence to the issue about which this proposal has arisen. Even were the proposed constitutional amendment passed by the Senate and the House, and ratified by the States, it would have no significant effect on the numbers of persons who have the opportunity to vote, nor on the number of persons who fulfill their responsibility by exercising the right of the ballot.